

UNITED STATES DISTRICT COURT

for the

Eastern District of Michigan

United States of America

v.

Wayne Wallace

Case: 2:23-mj-30022

Assigned To : Unassigned

Case No.

Assign. Date : 1/20/2023

Description: RE: SEALED MATTER
(EOB)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of December 14, 2022 in the county of Oakland in the
Eastern District of Michigan, the defendant(s) violated:*Code Section**Offense Description*

18 U.S.C. § 1341

(Mail Fraud)

18 U.S.C. § 2

(Aiding and Abetting)

18 U.S.C. § 1349

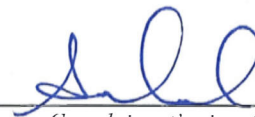
(Conspiracy to Commit Mail Fraud)

18 U.S.C. § 1028A

(Aggravated Identity Theft)

This criminal complaint is based on these facts:

See attached affidavit

☒ Continued on the attached sheet.Sworn to before me and signed in my presence
and/or by reliable electronic means.Date: January 20, 2023City and state: Detroit, MI*Complainant's signature*Miguel A. Colon, Special Agent, DOL-OIG*Printed name and title**Judge's signature*Hon. David R. Grand, United States Magistrate Judge*Printed name and title*

AFFIDAVIT IN SUPPORT OF A COMPLAINT

I, Miguel A. Colon, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent of the U.S. Department of Labor, Office of Inspector General, Office of Investigations - Labor Racketeering and Fraud (“DOL-OIG/OI-LRF”) and have been since December 2017. I am currently assigned to the Federal Bureau of Investigation (“FBI”) Violent Gang Task Force (“VGTF”), where I participate in investigations of street gangs committing various violations of federal law, including weapons and narcotics trafficking, violent crimes, and fraud. Prior to my current assignment, I was assigned to the Homeland Security Investigations’ Document and Benefit Fraud Task Force, where I investigated criminal activity including, but not limited to, identity theft, money laundering, visa fraud and other financial fraud. I have conducted numerous investigations involving identity theft, labor, financial and unemployment insurance fraud schemes. In addition to my experience, I have also received significant law enforcement training, including graduating from the Criminal Investigator Training Program at the Federal Law Enforcement Training Center.

2. Probable cause exists that WAYNE WALLACE engaged in a fraud scheme in violation of 18 U.S.C. § 1341 (Mail Fraud) and 18 U.S.C. § 2 (Aiding

and Abetting), 18 U.S.C. § 1349 (Conspiracy to Commit Mail Fraud) and 18 U.S.C. § 1028A (Aggravated Identity Theft). His scheme involved the purchasing of an electronic device from AT&T using misappropriated personal identifying information (“PII”) of a real person, and mailing the device to an address in the Eastern District of Michigan.

3. I make this affidavit based upon personal involvement in the subject criminal investigation, including review of: financial records, police reports, body camera footage, victim statements, and records from AT&T. I have also been provided with information from other law enforcement agents and officials, including agents and officials from the Federal Bureau of Investigation (“FBI”) and the Troy Police Department. This affidavit does not contain all the facts developed to date in the underlying investigation and is being submitted for the limited purpose of establishing probable cause to secure a criminal complaint and arrest warrant.

PROBABLE CAUSE

4. On January 4, 2023, I reviewed police reports and body worn camera footage regarding an arrest for Wayne WALLACE on December 14, 2022 for Fraud – Illegal Use of Credit Card, Identity Theft, Stolen Property-Possessing, Driving with a Suspended License, and Possession of Altered OPS. The following is a summary of the events.

5. On December 14, 2022, at approximately 1:45 PM, Troy PD officers responded to the Martell Elementary School, located at 5666 Livernois, Troy, MI, due to a report of a suspicious vehicle in the school parking lot. Officers made contact with the lone vehicle occupant, who was identified as WAYNE WALLACE. WALLACE advised officers that he was waiting in the school parking lot for a UPS package to be delivered to an address within visual view of his location in the parking lot. WALLACE pointed towards the specific residence where the UPS package was to be delivered. WALLACE stated that the UPS package was delivered to the wrong address and that he needed to pick it up upon delivery. Officers asked WALLACE if there was anything in the vehicle he should not have, to which WALLACE responded there was not and stated that the officers could search the vehicle. WALLACE stated that his brother was the primary driver of the vehicle but identified a backpack in the front seat as his own (WALLACE's).

6. Troy PD officers returned to the patrol car and ran WALLACE through the Secretary of State ("SOS") system and the Michigan Law Enforcement Information Network ("LEIN"). SOS indicated that WALLACE's license was suspended, and LEIN showed two outstanding traffic arrest warrants for WALLACE. WALLACE was placed unrestrained in the back of the patrol car while officers continued searching the vehicle. During the search of the vehicle,

officers found a Michigan ID card in WALLACE's name, two apple iPhones, an AT&T invoice located in the main compartment of WALLACE's backpack, and another AT&T invoice located in the back seat of the vehicle. The AT&T invoices were separately addressed to A.B. and M.D., whose full identity is known to agents but withheld for privacy. In the trunk of the vehicle, officers located a box with numerous pieces of mail, some of which was addressed to WALLACE.

7. The AT&T Invoice found in WALLACE's backpack was addressed to M.D. at 5XX1 Livernois Road, Troy, MI. The invoice reflected the purchase of an Apple iPhone 13 on December 9, 2022 (five days before WALLACE's arrest) and the shipping method as UPS. The invoice was associated with wireless phone number -9297.

8. While searching the vehicle, officers noticed that UPS delivered a package at the residence WALLACE identified having surveilled for a delivery. Officers went to the residence, which the report identified as 5XX1 Livernois Rd, which was the same address listed on the AT&T invoice in M.D.'s name that was found in the backpack WALLACE identified as his. An officer went to that residence and found a package on the front porch, addressed to M.D. The officer also identified that the residence appeared to be vacant. Officers took possession of the box, which contained an iPad.

9. The AT&T invoice included in the package with the iPad was addressed to M.D. at 5XX1 Livernois Rd., Troy, MI and reflects that it was purchased on December 13, 2022 (the day before WALLACE's arrest). The selected shipping method was UPS. The invoice was associated with wireless phone number -9298. This wireless phone number was the same as the wireless phone number associated with the iPhone invoice found in WALLACE's backpack, with the exception of the final digit.

10. Officers contacted M.D. via telephone, who explained that he was unaware of the purchases in his name and was a victim of identity theft. Specifically, he stated that he does not live at 5XX1 Livernois Rd., where the package was delivered, nor did he order any items to be delivered there. M.D. later confirmed that he contacted AT&T and that two devices were delivered to 5XX1 Livernois Rd. in his name that he did not order. There is probable cause to believe that those two devices are: (1) the iPad delivered to 5XX1 Livernois on December 14, 2022, and (2) the cell phone ordered to 5XX1 Livernois as reflected in the invoice found in WALLACE's backpack.

11. I reviewed video camera footage from the interior of the patrol car in which WALLACE was placed. The footage revealed that while seated in the back of the patrol car, WALLACE realized his cell phone was located out of reach in the front seat. WALLACE then used the iPhone "Hey Siri" feature to activate the

device and place numerous phone calls using the speaker phone function. The iPhone “Siri” software is a voice assistance feature which is only enabled by the iPhone user’s voice to make calls, send text messages, use applications, etc.

WALLACE placed several calls while alone in the vehicle, informing others that he was likely being placed under arrest. During one of the calls, WALLACE identified the package being delivered and referenced M.D. as the name on the package. Also during one of the calls, WALLACE provided his location and gave the address of 5XX1 Livernois Rd., the residence where the package was delivered. WALLACE also appeared to instruct others, to include possible co-conspirators, on an explanation for his tie to the package in M.D.’s name. For example, WALLACE called one individual (“Individual 1”) and instructed him to call WALLACE’s mother and: (1) tell her that police got the package, (2) give her the information that WALLACE sent Individual 1, and (3) tell her that WALLACE told the police that his aunt sent the package and he was coming to retrieve it. WALLACE also called a second individual and told him to tell WALLACE’s mother that: (1) his aunt sent a package and asked him to pick it up, (2) Individual 1 has the information, and (3) it is the address that his mother has. WALLACE also called a third individual and told him that the police have the package.

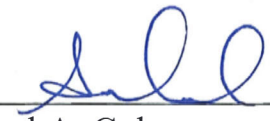
12. Officers eventually returned to the vehicle and placed WALLACE under arrest. The officers on scene, who were all outside of the patrol car, did not appear to realize that WALLACE was making these phone calls. In my training and experience, individuals engaged in identity theft and fraud schemes oftentimes create accounts, apply for credit, and purchase items using stolen identities to sell in secondary markets.

13. Probable cause exists that WALLACE conspired to commit mail fraud, and committed mail fraud and aggravated identity theft, in connection with the purchase of items from AT&T using PII belonging to M.D. without lawful authority and causing those items to be mailed to an address in the Eastern District of Michigan.

CONCLUSION


14. Based on the forgoing, there is probable cause to believe that Wayne WALLACE has violated 18 U.S.C. § 1341 (Mail Fraud) and 18 U.S.C. § 2 (Aiding and Abetting), 18 U.S.C. § 1349 (Conspiracy to Commit Mail Fraud) and 18 U.S.C. § 1028A (Aggravated Identity Theft) in connection with a scheme to defraud AT&T by means of false and fraudulent pretenses and representations.

Respectfully submitted,



Miguel A. Colon
Special Agent
U.S. Department of Labor
Office of Inspector General

Sworn to before me and signed in my
presence and/or by reliable electronic means.



Honorable David R. Grand
United States Magistrate Judge

Date: January 20, 2023